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BILL TEXT

CHAPTER 839

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INTRODUCED BY Senator Torlakson

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FEBRUARY 23, 2006

An act to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend Section 99234 of the Public Utilities Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, Torlakson Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including bicycle and hiking trails, around the delta, as defined. The bill would also require the plan to link the San Francisco Bay Trail system to planned Sacramento River trails in Yolo and Sacramento

Counties.

Existing law requires local transportation planning agencies to allocate funds in the local transportation fund, as defined, for establishing and maintaining pedestrian and bicycle trails. Existing law authorizes the Metropolitan Transportation Commission to allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the delta, to allocate those funds to the Delta Protection Commission for specified activities around the delta.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature hereby finds all of the following:

(1) The Great California Delta region is a wondrous state and national treasure, with its natural resources and fertile soils for agriculture, its access to recreation and science research, and its rich history and beauty.

(2) The California Delta provides two-thirds of the state's drinking and irrigation water, that flows through the delta's over 1,000 miles of waterways, levees, and shorelines.

(3) The California Delta is of great ecological significance, with its two most prominent waterways, the Sacramento and the San Joaquin Rivers, carrying fresh water from the Sierra Nevada Range and the Central Valley to the San Francisco Bay.

(4) The California Delta is a key part of the Pacific Flyway, and its rich ecosystem serves as home to thousands of unique birds, fish, animals, and plants, and is enjoyed by outdoor enthusiasts, water-sport fans, hunters, fishermen, and naturalists.

(5) The California Delta is a complicated and fragile system that needs the appreciation and protection of future generations of Californians.

(6) The California Delta is characterized by its numerous scenic waterways, levee-top roadways, historic towns, idyllic marinas, eucalyptus tree windrows, and highly productive family farms.

(7) There are 22 public recreation areas in the Sacramento-San Joaquin Delta region, with fishing, park day use facilities,

campgrounds, trails and boating access that support numerous recreational activities including boating, water skiing, jet skiing, windsurfing, sailing, fishing, relaxing, hiking and jogging, horseback riding, swimming, picnicking, and cycling.

(8) California is challenged by a growing obesity crisis and state and local leaders must address the need for more opportunities for exercise, movement, and recreation in public settings.

(9) The Delta Protection Commission surveys have found that there are unmet recreational needs in the delta region, including a trail for bicycling and hiking, in the Sacramento-San Joaquin Delta region.

(10) A bicycle and pedestrian trail would provide an important link between the people of California and one of our most precious natural resources.

(11) A bicycle and pedestrian trail connecting the delta region, with adjacent areas, would provide a great link between our fascinating delta communities and foster a connection between our rich histories and present challenges.

(b) The Legislature declares its support for the creation of a Great California Delta Trail, linking the San Francisco Bay Trail system and the planned Sacramento River trails in Yolo and Sacramento Counties to the present and future trailways around the delta, including, but not limited to, the delta's shorelines in Contra Costa, San Joaquin, Solano, Sacramento, and Yolo Counties.

SEC. 2. Chapter 12 (commencing with Section 5852) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 12. The Great California Delta Trail System

5852. "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code minus the area contained in Alameda County.

5853. "Commission" means Delta Protection Commission as defined in Section 29721.

5854. (a) In accordance with the requirements of subdivision (c), the commission shall develop and adopt a plan and implementation program, including a finance and maintenance plan, for a continuous regional recreational corridor that will extend around the delta, including, but not limited to, the delta's shorelines in Contra Costa, Solano, San Joaquin, Sacramento, and Yolo Counties. This plan shall link the San Francisco Bay Trail system to the planned Sacramento River trails in Yolo and Sacramento Counties. This plan shall include a specific route of a bicycling and hiking trail, the relationship of the route to existing and proposed park and

recreational facilities and land and water trail systems, and links to existing and proposed public transportation and transit. The transportation and transit links may include, but are not limited to, roadside bus stops, transit facilities, and transportation facilities. The continuous regional recreational corridor planned and executed pursuant to this chapter shall be called the Great California Delta Trail. The continuous regional recreational corridor shall include, but not be limited to, bikeway systems, and hiking and bicycling trails.

(b) The Great California Delta Trail plan shall do all of the following:

(1) Provide that designated environmentally sensitive areas, including wildlife habitats and wetlands, shall not be adversely affected by the trail.

(2) Provide for appropriate buffer zones along those portions of the bikeway system adjacent to designated environmentally sensitive areas and areas with private uses, when appropriate.

(3) Provide that the land and funds used for any purposes under this chapter are not considered mitigation for wetlands losses.

(4) Provide alternative routes to avoid impingement on environmentally sensitive areas, traditional hunting and fishing areas, and areas with private uses, when appropriate.

(5) Provide that no motorized vehicles, except to the extent necessary for emergency services, including, but not limited to, medical and structural emergencies, and for handicap access, be allowed on the trail.

(c) The commission may develop and adopt the plan and the implementation program if it receives sufficient funds, from sources other than the General Fund, to finance the full costs of developing and adopting the plan. The commission shall submit the plan and the implementation program to the Legislature and each of the counties within the commission's service area not later than two years after the commission determines that sufficient funds will be available to complete the plan and implementation program.

(d) The commission shall administer the funds used in the planning of the trail.

5855. (a) The commission shall establish a technical advisory committee that shall review the trail's planning, implementation, and funding proposals. The committee shall include members and staff of appropriate regional government associations, local jurisdictions, and districts. Participation in the committee is voluntary and its members are not eligible for reimbursement from the state for costs incurred to participate. The committee may make recommendations, to

the commission, on the trail's planning, implementation, and funding. The executive director of the commission shall convene the meetings of the committee.

(b) A cooperative working relationship shall be established with state and federal agencies, and all other cities, counties, districts, including school districts, and regional government associations that are affected by the proposed trail.

(c) The commission shall establish a stakeholder advisory committee representing groups concerned with environmental and ecological protection of the delta, groups representing agricultural, private, and other business uses of the delta's land and water, and groups representing bicycling, walking, boating, horseback riding, and other relevant recreational activities. The stakeholder advisory committee shall advise the commission on the trail's impacts on and uses for committee member constituencies. Participation in the committee is voluntary and its members are not eligible for reimbursement from the state for costs incurred to participate. The committee may make recommendations, to the commission, on the trail's planning, implementation, and funding. The executive director of the commission shall convene the meetings of the stakeholder advisory committee.

(d) The meetings of the committees established in subdivisions (a) and (c) shall be subject to the provisions of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 3. Section 99234 of the Public Utilities Code is amended to read:

99234. (a) Claims for facilities provided for the exclusive use of pedestrians and bicycles or for bicycle safety education programs shall be filed according to the rules and regulations adopted by the transportation planning agency.

(b) The money shall be allocated for the construction, including related engineering expenses, of those facilities pursuant to procedures or criteria established by the transportation planning agency for the area within its jurisdiction, or for bicycle safety education programs.

(c) The money may be allocated for the maintenance of bicycling trails that are closed to motorized traffic pursuant to procedures or criteria established by the transportation planning agency for the area within its jurisdiction.

(d) The money may be allocated without respect to Section 99231 and shall not be included in determining the apportionments to a city or county for purposes of Sections 99233.7 to 99233.9, inclusive.

(e) Facilities provided for the use of bicycles may include projects that serve the needs of commuting bicyclists, including, but not limited to, new trails serving major transportation corridors, secure bicycle parking at employment centers, park and ride lots, and transit terminals where other funds are unavailable.

(f) Notwithstanding any other provision of this section, a planning agency established in Title 7.1 (commencing with Section 66500) of the Government Code may allocate the money to the Association of Bay Area Governments for activities required by Chapter 11 (commencing with Section 5850) of Division 5 of the Public Resources Code.

(g) Notwithstanding any other provision of this section, the transportation planning agencies that allocate funds, pursuant to this section, to the cities and counties with jurisdiction or a sphere of influence within the delta, as defined in Section 5852 of the Public Resources Code, may allocate the money to the Delta Protection Commission for activities required by Chapter 12 (commencing with Section 5852) of Division 5 of the Public Resources Code.

(h) Within 30 days after receiving a request for a review from any city or county, the transportation planning agency shall review its allocations made pursuant to Section 99233.3.

(i) In addition to the purposes authorized in this section, a portion of the amount available to a city or county pursuant to Section 99233.3 may be allocated to develop a comprehensive bicycle and pedestrian facilities plan, with an emphasis on bicycle projects intended to accommodate bicycle commuters rather than recreational bicycle users. An allocation under this subdivision may not be made more than once every five years.

(j) Up to 20 percent of the amount available each year to a city or county pursuant to Section 99233.3 may be allocated to restripe class II bicycle lanes.